

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**SUSAN STEIN,**

Plaintiff,

v.

**NEIL W. MATHESON, et al.,**

Defendants.

**CIVIL ACTION**

**NO. 19-5814-KSM**

**ORDER**

**AND NOW**, this 17th day of May, 2021, upon consideration of Defendants' Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. No. 10), Plaintiff's opposition brief (Doc. No. 17), Defendants' reply brief (Doc. No. 18), Plaintiff's Brief Regarding Subject Matter Jurisdiction (Doc. No. 37), and Defendants' Response Brief Regarding Subject Matter Jurisdiction (Doc. No. 38), it is **ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants' motion is **GRANTED** and Count I is **DISMISSED WITHOUT PREJUDICE** in its entirety as against Defendants Matheson and Galella. Count I is also **DISMISSED WITHOUT PREJUDICE** as against Defendant E4 to the extent it asserts a claim for failure to give Stein access to financial information about the individual Defendants or a claim for wrongful termination.

2. Defendants' motion is **DENIED** as to the remainder of Count I and the entirety of Count III.

3. Plaintiff may file an amended complaint as to the dismissed claims if she can cure the defects identified in the accompanying Memorandum. Any amended complaint shall be submitted by **May 31, 2021**.

4. Defendants shall file responsive pleadings within **21 days** of Plaintiff filing an amended complaint or informing Defendants and the Court that she does not intend to file an amended complaint.

5. Lead counsel shall attend a **telephone STATUS CONFERENCE** on **Wednesday, May 19, 2021 at 1:00 p.m.**<sup>1</sup>

**IT IS SO ORDERED.**

*/s/Karen Spencer Marston*

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KAREN SPENCER MARSTON, J.

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<sup>1</sup> Chambers will circulate the dial-in information before the conference.